IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 45 of 2004(E)

PETITIONER:

MATHEW K.V.,
712, KOCHAZHIKATH VEEDU, 8, KALTHURUTHY,
ARYANKAVU, KOLLAM.

BY ADV. SRI.JOHN BRITTO.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE FOREST OFFICER,**
   ARYANKAVU, KOLLAM.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH FOR R1 & R2,

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.45/2004-E:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE BAPTISM CERTIFICATE DTD. 26/12/03.

EXT.P.2: COPY OF THE IDENTITY CARD DTD. 05/12/97 ISSUED BY THE ELECTION COMMISSION OF INDIA.

EXT.P.3: COPY OF THE RATION CARD.

EXT.P.4: COPY OF THE IDENTITY CARD ISSUED BY THE ASSISTANT LABOUR OFFICER, PUNALUR.

EXT.P.5: COPY OF THE JUDGMENT DTD. 30/09/89 OF THE JFCM-1, PUNALUR.

EXT.P.6: COPY OF THE DEATH CERTIFICATE DTD. 28/03/2000.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE 313 STATEMENT OF THE IST ACCUSED.

EXT.R2.B: COPY OF THE REPRESENTATION DTD. 28/02/2003.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.45 of 2004

Dated this the 16th day of July, 2007

O R D E R

The essential issue raised in this writ petition pertains to the identification of a person. According to the petitioner he is not the second accused Varkey Benny in C.C.No.245/1987 on the file of the Judicial First Class Magistrate-I, Punalur. There will be a direction to the Judicial First Class Magistrate, Punalur to enquire into the matter, if necessary by appropriate investigation also by the Police. Sri.K.V.Mathew, the petitioner before this court and Sri.George Varkey, who are present before this court will appear before the Judicial First Class Magistrate, Punalur on 1-8-2007. The Judicial First Class Magistrate, Punalur will submit a report to this court within three months thereafter.

The registry will forward a copy of the entire proceedings including the writ petition, counter affidavit and the reply affidavit to the Judicial First Class Magistrate, Punalur forthwith.

Post after receipt of the report.

(KURIAN JOSEPH, JUDGE)

ahg.